

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

UNITED STATES OF AMERICA,  
Plaintiff

VS.

BRYAN BINNS, ET AL,  
Defendant

**JUDGE LLOYD D. GEORGE'S  
ORDER REGARDING TRIAL**

Case No: 2:11-CR-0057-LDG-RJJ

1. Attached hereto is a list of cases that are presently scheduled for trial before the **Honorable Lloyd D. George, United States District Judge**, at Las Vegas, Nevada, commencing on **Monday, April 25, 2011 at 8:30 a.m.**

This is a TWO week trial stack.

2. Counsel for all parties in the civil and criminal cases shall appear in Courtroom **6B** on **Wednesday, April 20, 2011 at 8:30 a.m.** for Calendar Call. Unless a party in a civil case or a defendant in a criminal case is appearing pro se, the individual parties in civil cases and the defendants in criminal cases will not be required to appear for Calendar Call unless the Court directs otherwise.

3. Counsel or their clients will be excused from Calendar Call if prior to the scheduled calendar call settlement papers have been filed in a civil case or a defendant's plea of guilty or nolo contendere has been accepted in a criminal case.

4. At the Calendar Call, all cases that remain to be tried will be ranked in order of trial. Thereafter, the Court will not grant a continuance to any party absent a showing of good cause. Unless the Court otherwise directs, the cases will be tried one after the other on **TWENTY-FOUR (24) HOURS'** notice from the clerk.

5. **CHANGE OF PLEA HEARINGS.** Change of plea hearings will be set on Tuesdays immediately following calendar call. It shall be the joint responsibility of counsel for the United States and for Defendant(s) to ensure that the original and two copies of the plea agreement, together with a copy of the indictment, are delivered to Judge George's chambers by 4:00 p.m. on Monday, the day before the change of plea hearing. It shall further be the

responsibility of counsel for the United States to ensure that any necessary produce orders are timely delivered to the United States Marshal to ensure the presence of all in-custody defendants for a change of plea, and to ensure proper notification for the attendance of any court interpreter which may be required for the particular case.

6. STATUS HEARING. The Court may conduct a status conference prior to the scheduled Calendar Call. If the Court is satisfied during the status conference that the case is ready for trial, the Court may vacate the Calendar Call.

7. WITNESSES. Counsel shall immediately subpoena all witnesses for the time and trial date as listed above. Inasmuch as the cases will be tried in a trailing fashion, the subpoenas should contain a special instruction from counsel directing witnesses to contact the office of counsel for further instructions prior to appearing for trial. Witnesses are not required to be present at the Calendar Call but must appear as subpoenaed.

8. EXHIBITS. At least three (3) court days prior to the commencement of any trial, counsel shall supply Judge George's courtroom deputy clerk with the original and three copies of a complete exhibit list of all exhibits that are intended to be used during the trial. At the same time, counsel shall serve upon opposing counsel a copy of the same.

Plaintiff Numerals (1-500) shall be used to identify the plaintiff's exhibits and Defendant's Numerals (501-1000) shall be used to identify the defendant's exhibits. Exhibits that are on the same subject matter may be marked as a series: that is, Plaintiff's 1-A, 1-B, etc., and Defendant's 501-A, 501-B, etc. The exhibits shall be listed on the form to be provided by the clerk and pursuant to the instructions as shall be supplied by the clerk. Counsel may use computer-generated exhibit lists so long as they conform to the requirements of the form that is provided by the clerk. COUNSEL SHALL RETAIN POSSESSION OF THEIR OWN EXHIBITS UNTIL SUCH TIME AS THEY ARE IDENTIFIED AND OR ADMITTED INTO EVIDENCE BY STIPULATION OR IN OPEN COURT; AFTERWARD, THE EXHIBITS SHALL REMAIN IN THE CARE AND CUSTODY OF THE CLERK/COURT, UNLESS OTHERWISE ORDERED BY THE COURT.

9. MARKING EXHIBITS. During preparations for trial, counsel for all parties shall meet, confer, pre-mark and exchange all trial exhibits. At least three (3) court days in advance of trial, counsel in civil cases shall make arrangements with Judge George's courtroom deputy clerk to appear for purposes of confirming the pre-making of all trial exhibits.

10. Counsel wishing to utilize the court's evidence display equipment must contact the courtroom deputy to determine its availability and to arrange for training.

11. TRIAL JUDGE. Although the cases that are listed on the attached trial calendar are assigned to Judge George,

1 the cases may proceed to trial before another Nevada district judge or a visiting district judge.

2 12. CONSENT TO TRIAL BEFORE A MAGISTRATE JUDGE. Counsel and parties in civil actions are  
3 reminded of their right to consent to disposition before a United States Magistrate Judge pursuant to Title 28, Section  
4 636(c)(2) of the United States Code. The right to proceed before a Magistrate Judge in a civil case includes those  
5 cases that will be tried before a jury as well as those cases to be tried before the Court sitting without a jury. Any  
6 appeal from a judgment in a proceeding before a Magistrate Judge shall be taken directly to the United States court  
7 of Appeals. The option to proceed before a Magistrate Judge is available to the parties at the time an action is  
8 commenced. The Court may refuse to approve a consent if it appears to be motivated by an effort to delay the  
9 proceeding.

10 13. SANCTIONS. As provided for under the Local Rules of Practices of this court, the Court will consider the  
11 imposition of sanctions against any attorney who: (1) fails to timely file trial briefs, suggested voir dire questions and  
12 proposed jury instructions or proposed findings of fact and conclusions of law, whichever is applicable, as prescribed  
13 by the Pretrial Order, Order Regarding Pretrial Procedure, Scheduling Order or any order extending the time for such  
14 filings; (2) fails to comply with the provision of this order including, but not limited to, the failure to appear for  
15 calendar call without first having been excused by the court or the clerk with the permission of the Court; or (3) fails  
16 to timely comply with any other order that schedule deadlines for trial preparation.

17 14. CONTACT PERSON. All questions and information regarding the trial calendar are to be directed to JUDY  
18 HARRIS, Deputy Clerk, at 702-464-5438.

19 15. THE DATE of the Clerk's file mark shall constitute the date of this order.

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21 IT IS SO ORDERED.

22  
23 /S/  
LLOYD D. GEORGE  
24 United States District Judge  
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1 CALENDAR CALL FOR **TRIALS TO COMMENCE ON MONDAY, APRIL 25, 2011 AT 8:30 A.M.** IN LAS  
2 VEGAS COURTROOM, 6B BEFORE THE HONORABLE JUDGE LLOYD D. GEORGE.. **CALENDAR CALL**  
3 **IS WEDNESDAY, APRIL 20, 2011 AT 8:30 A.M.** IN LAS VEGAS COURTROOM 6B BEFORE JUDGE  
4 LLOYD D. GEORGE.

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4 1. 2:10-CR-0035-LDG-LRL UNITED STATES OF AMERICA  
5 VS.  
6 JOHN McVEIGH (PR BOND)

7 1 Count Criminal Indictment - 18 USC §§ 922(g)(1) and 924(a)(2)

8 Jury trial (estimate days)

9 Philip Smith, AUSA Paul Riddle, AFPD  
10 (702) 388-6336 (702) 388-6577

11 2. 2:10-CR-0449-LDG-RJJ UNITED STATES OF AMERICA  
12 VS.  
13 CESAR FERNANDEZ-VIRGIN (CUSTODY)

14 \*\*SPANISH  
15 INTERPRETER\*\*

16 1 Count Criminal Indictment - 8 USC § 1326

17 Jury trial (estimate days)

18 An Nguyen, AUSA Jonathan Sussman, AFPD  
19 Robert Bork, AUSA (702) 388-6577  
20 (702) 388-6336

21 3. 2:10-CR-0546-LDG-PAL UNITED STATES OF AMERICA  
22 VS.  
23 RUBEN SOLIS (CUSTODY)  
24 aka Miguel Bonifacio

25 3 Count Superseding Criminal Indictment - Ct. 1: 18 USC §§ 922(g)(1) and 924(a)(2);  
26 Ct. 2: 18 USC §§ 922(g)(5)(A) and 924(a)(2);  
27 Ct. 3: 8 USC § 1326

28 Jury trial (estimate days)

Phillip Smith, AUSA Monique Kirtley, AFPD  
(702) 388-6336 (702) 388-6577

CALENDAR CALL FOR **TRIALS TO COMMENCE ON MONDAY, APRIL 25, 2011 AT 8:30 A.M.** IN LAS VEGAS COURTROOM, 6B BEFORE THE HONORABLE JUDGE LLOYD D. GEORGE.. **CALENDAR CALL IS WEDNESDAY, APRIL 20, 2011 AT 8:30 A.M.** IN LAS VEGAS COURTROOM 6B BEFORE JUDGE LLOYD D. GEORGE.

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4. 2:10-CR-0564-LDG-LRL	UNITED STATES OF AMERICA VS. MATTHEW JAMES STEWART aka Matt James Stewart	(CUSTODY)
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2 Count Criminal Indictment - Count 1 and 2: 21 USC §§ 841(a)(1) and 841(b)(1)(C)

Jury trial (estimate    days)

Phillip Smith, AUSA (702) 388-6336	Rebecca Rosenstein, AFPD (702) 388-6577
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5. 2:11-CR-0057-LDG-RJJ	UNITED STATES OF AMERICA VS. Bryan Binns Ct. 1-4 aka Jose Silva-Ayala	(CUSTODY)
	Josh Patton Ct. 1-4	(CUSTODY)
**SPANISH INTERPRETER**	Noe Contreras Ct. 1 and 4 aka Primillo	(CUSTODY)

Jury trial (estimate    days)

4 Count Criminal Indictment - Counts 1 through 4: 21 USC § 846

Bradley Giles, AUSA (702) 388-6336	Counsel for Bryan Binns - Houman Fakimi (714) 542-2188 Mace Yampolsky (702) 385-9777
	Counsel for Josh Patton - Henry Florence (602) 258-8451
	Counsel for Noe Contreras - Craig Drummond (702) 366-9966

1 CALENDAR CALL FOR TRIALS TO COMMENCE ON MONDAY, APRIL 25, 2011 AT 8:30 A.M. IN  
2 LAS VEGAS COURTROOM, 6B BEFORE THE HONORABLE JUDGE LLOYD D. GEORGE.. **CALENDAR**  
3 **CALL IS WEDNESDAY, APRIL 20, 2011 AT 8:30 A.M.** IN LAS VEGAS COURTROOM 6B BEFORE  
4 JUDGE LLOYD D. GEORGE.

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4 6. 2:11-CR-0060-LDG-RJJ UNITED STATES OF AMERICA  
5 VS.  
6 CESAR GARCIA-SAN PEDRO (CUSTODY)

6 \*\*SPANISH  
7 INTERPRETER\*\*

8 1 Count Criminal Indictment - 8 USC § 1326

9 Jury trial (estimate days)

10 An Nguyen, AUSA  
11 (702) 388-6336

Raquel Lazo, AFPD  
(702) 388-6577

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12 7. 2:11-CR-0073-LDG-GWF UNITED STATES OF AMERICA  
13 VS.  
14 JERRY WAYNE RANDALL (CUSTODY)

15 2 Count Criminal Indictment - Ct. 1: 18 USC §§ 922(g)(1) and 924(a)(2);  
16 Ct. 2: 18 USC § 922(j)

17 Jury trial (estimate days)

18 Christina Silva, AUSA  
19 (702) 388-6336

Shari Kaufman, AFPD  
(702) 388-6577